IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 27TH MARCH, 2007 / 6TH CHAITHRA, 1929

WP(C).No. 10477 of 2007(V)

PETITIONER:

SAIDALIKUTTY,AGED 60 YEARS,S/O.HUSSAIN, KULANGARAKATH ALOORRKARAYIL HOUSE,ORUMANAYOOR DESOM,VILLAGE,CHAVAKKAD,THRISSUR.

BY ADV. SRI.RAJIT

RESPONDENTS:

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1. ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES/ARBITRATOR OR CUM SALE OFFICER, THRISSUR DISTRICT CO-OPERATIVE BANK LTD, KURRUPAM ROAD, THRISSUR.

2. THRISSUR DISTRICT CO-OPERATIVE BANK LTD, NO.60,KURRUPAM ROAD,THRISSUR REPRESENTED BY THE GENERAL MANAGER.

BY SR.GOVT. PLEADER SRI.P.N.SANTHOSH.
BY ADV. SRI.T.R.HARIKUMAR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

WP(C) NO. 10477 OF 2007 - V

Dated this the 27th day of March, 2007

J U D G M E N T

The petitioner is a defaulter in payment of loan amounts due to the second respondent-Bank. He does not dispute either the liability or the quantum regarding the repayment. He only wants some time to repay the amount.

2. The learned counsel for the second respondent-Bank stoutly opposes the same. He points out that more than two years have elapsed since the passing of the award by the arbitrator and this is an industrial loan also. However, taking a lenient view, I dispose of this writ petition on the following terms:-

The petitioner shall pay an amount of Rs.1.5 lakhs within a period of two months from today. The balance amount shall be paid in ten equal monthly instalments starting from 1.7.2007. Subsequent instalments shall be paid on the first of every succeeding month. If the

petitioner pays the amounts promptly, further coercive proceedings shall be kept in abeyance. However, if the petitioner commits default in payment of any of the amount as directed above, it would be open to the second respondent to continue the proceedings now initiated without having to issue any fresh notice or proceedings in that regard. The counsel for the Bank shall inform about this judgment to the Bank today itself.

S. SIRI JAGAN,
Judge

Mbs/

K.THANKAPPAN, J

Crl.Appeal NO. OF 2001

J U D G M E N T

DATED:13-02-2007